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09/937,078	01/14/2002	Mark Edmund Hooper	04834-007-US-02	8017

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EXAMINER

WILDER, PETER C

ART UNIT PAPER NUMBER

2623

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,078

Applicant(s)

HOOPER ET AL.

Examiner

Peter C. Wilder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 28-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support for limitation c) "second means for processing data to select and reserve one or more of said available air time periods in one or more of said playlists schedules to define said playlist schedules," cannot be found in the originally filled claims or specification.

Claim Objections

Claim 28 is objected to because of the following informalities: The former limitation 'f' is re-lettered 'h', but the limitation for item 'h' has been removed from the claim so limitation 'h' has no limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 29, 31, 32, 36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho et al. (U.S. 5566353).

Referring to claim 28, Cho teaches a method for the display of multimedia content on one or more display screens operatively connected to respective display controllers, said display of multimedia content being made according to playlists comprising multiple air time periods and stored on said display controllers (Figure 4 element 258), said display controller being connected to a scheduling server (Figure 1

element 100) and a transmission control system (Figure 1 element 100) via a data communication network (Figure 1 and Column 4 lines 54-67 and Column 5 lines 1-3), said method comprising the following steps:

- a. a selecting the multimedia content to be displayed (Column 9 lines 46-57);
- b. storing said multimedia content on said scheduling server (Column 6 lines 38-43);
- c. selecting one of said display screens on which said multimedia content is to be displayed (Column 9 lines 45-53 and Column 9 lines 57-64 teaches determining the stores which have display screens where content will be aired);
- d. storing such display screen selection on said scheduling server (Column 11 lines 12-26);
- e. on said scheduling server, determining and storing data related to the availability of said air time periods of said playlists (Column 11 lines 13-26 and Column 12 lines 38-57);
- f. on said scheduling server, inputting and storing data relating to the multimedia content preferences of each user of a visual display system (Column 11 lines 36-40 teach the creation of templates by a user and Column 12 lines 58-67 and Column 13 lines 1-6 teach how the templates for playlists are broken down into the content preferences of what type of clip (fact or news) should be played in what order and the time periods for the clips);
- g. on said scheduling server, inputting and storing data related to the air time period preferences of each user in said playlist schedule of a visual display system

(Column 12 lines 62-67 and Column 13 lines 1-6 teach the concept of being able to reserve in the creation of a template air time periods for certain types of clips such as news or fact clips);

i. creating said playlists by optimally correlating said available air time periods, said air time period preferences and said multimedia content preferences (Column 12 lines 37-67 and Column 13 lines 1-25 teach each independent part of the creation and modification of the playlists, and upon distribution to the individual stores all the information has to be correlated/brought together to generate the final playlists to be displayed at the stores);

j. transmitting said stored multimedia content and said playlists to said display controllers connected to said selected display screen (Column 14 lines 48-59 teaches sending playlist schedule via satellite and Column 6 lines 32-46) ;

k. displaying said selected multimedia content on said selected display screen according to said playlists (Column 9 lines 2-6).

Referring to claim 29, Cho teaches a system to control the display of digital multimedia content on a plurality of out-of-home remote visual display systems connected together via a broadband network (Figure 1), wherein each said visual display system comprises an electronic multimedia (Column 4 lines 54-67), display operatively connected to an associated display controller (Figure 4 element 258), said electronic multimedia display being arranged to be viewable

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by a plurality of passers-by, each of said display systems being adapted to cycle through a playlist schedule of multimedia content (Column 4 lines 54-67 and Column 5 lines 1-15), each said playlist schedules having a plurality of air time periods and being stored on respective said display controller, said control system comprising:

a) at least one scheduling server operatively connected to said visual display systems (Figure 1 element 100 teaches a scheduling server and element 254 teaches a receive site or a display system), said at least one scheduling server comprising computer processor means and data storage means (Figure 2 elements 208 and 206 teach processor means and elements 210 and 212 teach storage means);

b) first means for processing data from a database to determine the availability of said air time periods in each of said playlists schedules of each of said visual display systems (Column 12 lines 15-23 and lines 58-67 teaches allowing a user to modify a playlist and see all of its contents so it would be able to determine the availability of air time periods inside the playlist);

c) second means for processing data to select and reserve one or more of said available air time periods in one or more of said playlists schedules to define said playlist schedules (Column 12 lines 62-67 and Column 13 lines 1-6 teach the concept of being able to reserve in the creation of a template air time periods for certain types of clips such as news or fact clips; Figure 2 element 261 and Column 9 lines 26-29 teach processing capabilities);

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d) third means for processing data to respectively link to each of said reserved air time periods of each playlist schedule according to each of said playlist schedules, the multimedia content to be displayed by each of said visual display systems during said reserved air time periods, said third means for processing data further including means for transmitting said multimedia content and said playlist schedules to the corresponding one of said visual display systems (Column 5 lines 4-35 teaches that each playlist is created and the clips along with the playlist are transmitted to the display systems; Column 13 lines 1-14 teach how certain types of video clips correspond/link to specific time periods and specific commercials are then in place of that time period);

e) fourth means for inputting and storing data related to the multimedia content preferences of each user of a visual display system (Column 12 lines 62-67 and Column 13 lines 1-6 teach the concept of being able to reserve in the creation of a template content preferences to which types of clips can be added to the playlist such as news or fact clips);

f) fifth means for inputting data related to the air time period preferences of each user in said playlist schedule of a visual display system (Column 12 lines 62-67 and Column 13 lines 1-6 teach the concept of being able to reserve in the creation of a template air time periods for certain types of clips such as news or fact clips);

g) sixth means for processing data to determine for each visual display system, the actual playlist schedule by optimally correlating said available air time periods, said air time period preferences, and said multimedia content preferences

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(Column 12 lines 37-67 and Column 13 lines 1-25 teach each independent part of the creation and modification of the playlists, and upon distribution to the individual stores all the information has to be correlated/brought together to generate the final playlists to be displayed at the stores).

Referring to claim 31, depending on claim 29, Cho teaches means for inputting and storing demographic data in relation to the geographic location of each visual display system (Column 10 lines 52-56 teach the use of demographic information in providing playlists to certain display systems).

Referring to claim 32, depending on claim 29, Cho teaches a digital presentation system wherein said fourth means for processing data comprises:

a. means to determine, for each said visual display and for a predetermined air time period (Column 12 lines 58-67 and Column 13 lines 1-6 teach 30 minute airtime periods), the duration of any unreserved air time period (Column 11 lines 36-38 teaches some run time clips have a valid run time or reserved periods of time that they can only run at thus the system would determine from that unreserved airtimes),

b. means to fill each said unreserved air time period with digital content which is compatible with the remaining multimedia content in the said corresponding predetermined air time period (Column 13 lines 1-5 teaches filling in a 30 minute time

period with commercial, news, and fact clips, so a clip that has a valid/reserved air time as taught in Column 11 lines 26-28 would run and then the other time would be filled in with news, fact, or other commercial clips which are all compatible multimedia since they informing a viewer with information).

Referring to claim 36, depending on claim 29, wherein said second data transmission network is a satellite network (Figures 1, 3, and 4 and elements 252 and 256 in Figures 3 and 4 respectively).

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Referring to claim 38, depending on claim 29, Cho teaches a transmission control system connected to the scheduling server and the visual display systems (Figure 1 teaches element 234 between element 200 and 261 the scheduling server and element 254 the receive site; Figure 3 details the transmission control system).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho et al. (U.S. 5566353) in view of Chen et al. (U.S. 7039784 B1).

Referring to claim 30, depending on claim 29, Cho fails to teach each said visual display system further comprises means to request the transmission of said multimedia content if said multimedia content is not available on said storage means.

In an analogous art Chen teaches each said visual display system further comprises means to request the transmission of said multimedia content if said multimedia content is not available on said storage means (Column 17 lines 9-33 and Figure 4 teach how a visual display system elements 400 and 420 can request a video file if the video file is not in storage means).

At the time the invention was made it would have been obvious for one skilled in the art to modify the video distribution function/device of Cho using the video distribution request and distribution function/device of Chen for the purpose of dynamically balancing the loading of data storage facilities containing video data files (Column 12 lines 29-31, Chen).

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho et al. (U.S. 5566353) in view of Hendricks et al. (U.S. 6738978 B1).

Referring to claim 37, depending on claim 29, Cho fails to teach a bidirectional network.

In an analogous art Hendricks teaches a bidirectional network (Figure 1 teaches a bi-direction network between element 208 and elements 220).

At the time the invention was made it would have been obvious for one skilled in the art to modify the video distribution function/device of Cho using a bidirectional network function/device of Hendricks for the purpose of being able to poll and receive requests from a client terminal (Column 33 lines 42-50, Hendricks).

Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho et al. (U.S. 5566353) in view of Berezowski et al. (U.S. 6075551).

Referring to claim 32, depending on claim 29, Cho fails to teach a) means to determine, for each said playlist associated to each visual display system the duration of any unreserved air time period, b) means to fill each said unreserved air time period of said playlist with digital content which is compatible with the remaining multimedia content in the said corresponding predetermined air time period.

In an analogous art Berezowski teaches teach a) means to determine, for each said playlist associated to each visual display system the duration of any unreserved air time period (Column 4 lines 4-14 teaches the concept of unreserved air time may exist in a playlist of advertisements this unreserved time is for local avails, the playlist being the scheduled promotions for region 44 in Figure 4 or 14 in Figure 1; Column 6 lines 16- Column 7 line 20 teaches how the system determines unreserved air time exists and

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how long the period is for), b) means to fill each said unreserved air time period of said playlist with digital content which is compatible with the remaining multimedia content in the said corresponding predetermined air time period (Column 7 lines 20-52 teaches inserting compatible video during the unreserved airtimes; The national or global promotional information region 44 in of Figure 4 can be video and the local promotions can be video; thus the two types of commercials can both be displayed in the same region and they are both the same type of media).

At the time the invention was made it would have been obvious for one skilled in the art to modify the video distribution function/device of Cho using the local video promotional detection and insertion function/device of Berezowski for the purpose of allowing a local advertisements that reach their viewers to be inserted into a stream to allow for revenue to be generated by a cable system operator (Column 1 lines 45-48, Berezowski).

Referring to claim 33, depending on claim 29, Cho fails to teach a) means to determine, for each said playlist associated to each visual display system the duration of any unreserved air time period, b) means to remove each said unreserved air time period of said playlist.

In an analogous art Berezowski teaches teach a) means to determine, for each said playlist associated to each visual display system the duration of any unreserved air time period (Column 4 lines 4-14 teaches the concept of unreserved air time may exist in a playlist of advertisements this unreserved time is for local avails, the playlist being

the scheduled promotions for region 44 in Figure 4 or 14 in Figure 1; Column 6 lines 16- Column 7 line 20 teaches how the system determines unreserved air time exists and how long the period is for), b) means to remove each said unreserved air time period of said playlist (Column 7 lines 20-52 and Figure 6 teach inserting compatible video during the unreserved airtimes, by filling the local advertisement periods with a video segment the unreserved time period has been removed).

At the time the invention was made it would have been obvious for one skilled in the art to modify the video distribution function/device of Cho using the local video promotional detection and insertion and thus removal function/device of Berezowski for the purpose of allowing a local advertisements that reach their viewers to be inserted into a stream to allow for revenue to be generated by a cable system operator (Column 1 lines 45-48, Berezowski).

Referring to claim 34, depending on claim 31, see the rejection of claim 32.

Referring to claim 35, depending on claim 31, see the rejection of claim 33.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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